

EDMUND G. BROWN JR.
Attorney General of the State of California
DANE R. GILLETTE
Chief Assistant Attorney General
GERALD A. ENGLER
Senior Assistant Attorney General
PEGGY S. RUFFRA
Supervising Deputy Attorney General
MICHELE J. SWANSON, State Bar No. 191193
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5703
Fax: (415) 703-1234
Email: Michele.Swanson@doj.ca.gov
Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SAM DONTE GRAY.

Petitioner.

v.

J. J. WALKER, Warden.

Respondent.

C 08-2259 WHA (PR)

**MOTION TO ENLARGE
TIME TO FILE RESPONSE
TO PETITION FOR WRIT OF
HABEAS CORPUS**

Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 60-day extension of time, until October 3, 2008, in which to file a response to the petition for writ of habeas corpus. Good cause for the extension is set forth in the accompanying declaration of counsel. We have not attempted to contact petitioner about this extension of time because he is an incarcerated state prisoner who is representing himself.

WHEREFORE, respondent respectfully requests that this Court grant an extension of time to and including October 3, 2008, in which to file an answer or other responsive pleading.

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1 Dated: August 4, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 PEGGY S. RUFFRA
Supervising Deputy Attorney General

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10 /s/ Michele J. Swanson
11 MICHELE J. SWANSON
12 Deputy Attorney General
13 Attorneys for Respondent

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 7 San Francisco, CA 94102-7004
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 8 Fax: (415) 703-1234
 8 Email: Michele.Swanson@doj.ca.gov
 9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

14 **SAM DONTE GRAY,**

15 Petitioner,

16 **v.**

17 **J.L. WALKER, Warden,**

18 Respondent.

C 08-2259 WHA (PR)

**DECLARATION OF
COUNSEL IN SUPPORT OF
MOTION TO ENLARGE
TIME TO FILE RESPONSE
TO PETITION FOR WRIT OF
HABEAS CORPUS**

20 I, MICHELE J. SWANSON, declare under penalty of perjury as follows:

21 I am a Deputy Attorney General for the State of California and am assigned to
 22 represent respondent in this case. Respondent's answer or other responsive pleading is due
 23 August 4, 2008, pursuant to this Court's June 3, 2008 Order to Show Cause. I am unable to meet
 24 this deadline, and request an enlargement of time to file a response to the petition for writ of
 25 habeas corpus for the following reasons.

26 I was not the attorney who briefed this case on direct review in state court. Since
 27 having this case assigned to me, I have been working on cases with chronological precedence,
 28 and in the past 30 days, I have filed answers in *Wash v. Runnels*, C 04-04207 JW and *Haney v.*

1 Adams, C 07-4682 CRB (PR), a motion to dismiss in *Givens v. Martel*, C 07-1448 MHP (PR),
2 and reply briefs in *Parnell v. Evans*, C 05-4324 SBA (PR), *Weisner v. Evans*, C 07-5509 SI
3 (PR), and *Grecu v. Evans*, C 07-0780 JF (PR). For these reasons, I am unable to file the
4 response in this case by the current deadline.

5 I have not attempted to contact petitioner about this extension of time because he is an
6 incarcerated state prisoner who is representing himself.

7 Accordingly, I request that the Court grant respondent an extension of 60 days, to and
8 including October 3, 2008, in which to file a response to the petition.

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed at San Francisco, California, on August 4, 2008.

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12 /s/ Michele J. Swanson
13 MICHELE J. SWANSON
Deputy Attorney General

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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

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11 **SAM DONTE GRAY,**

12 Petitioner,

C 08-2259 WHA (PR)

[PROPOSED] ORDER

13 v.

14 **J.L. WALKER, Warden,**

15 Respondent.

16
17 GOOD CAUSE APPEARING, it is hereby ordered that respondent shall file with the
18 Court and serve on petitioner, on or before **October 3, 2008**, an answer or other response to the
19 petition for writ of habeas corpus.

20 IT IS SO ORDERED.

21
22 Dated: _____

The Honorable William Alsup

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Gray v. Walker, Warden**

No.: **C 08-2259 WHA (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On August 4, 2008, I served the attached

MOTION TO ENLARGE TIME TO FILE RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

DECLARATION OF COUNSEL IN SUPPORT OF MOTION TO ENLARGE TIME TO FILE RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

[PROPOSED] ORDER

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, California, addressed as follows:

Sam Donte Gray
V-59334 / FC-6-206
Sacramento State Prison
P.O. Box 290066
Represa, CA 95671

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 4, 2008, at San Francisco, California.

S. Agustin
Declarant

/s/ S. Agustin
Signature